



15.0 PUBLIC PARTICIPATION



Public participation is a required part of the permitting process. Permit writers must be able to interface with community members with confidence and understanding of community concerns about a proposed project. In order to make sure that the community is fully aware of DTSC's proposed actions, permit writers must follow the procedures and steps detailed in the DTSC Public Participation Policy and Procedures Manual (EO-94-002-PP) dated July 1994. In addition, U.S. EPA has published a new RCRA Public Involvement Manual, September 1993. DTSC's 1994 edition reflects U.S. EPA's changes as well as regulation citations. DTSC Public Participation and Procedures Manual Sections 400, 600, 700 and 800 specifically apply to permitting and closure projects. The permit writer should refer to the regulatory citations listed below in addition to policy descriptions listed in the 1994 Policy and Procedures Manual.

The manual appropriately suggests different public participation approaches for each facility's projects based on the type of project and the level of community interest. For many permit and closure activities, minimum public involvement requirements are appropriate. For incinerators and other major permitting projects, more proactive public involvement is mandatory. The permit writer must work with the permitting supervisor and the public participation supervisor to make a final determination on which activities are required. Exhibit 400-1 in the Public Participation Policy and Procedures Manual describes various public participation requirements.

DTSC also maintains statewide and regional mandatory mailing lists. Permit writers should always check with the Public Participation Unit to make sure they are using the most up to date lists.

KEY QUESTIONS

Has the regional office public participation specialist/supervisor been consulted to determine the level of public participation for the project?

Was the most recent version of the mandatory mailing list used for the public notice?

REQUIRED OUTPUTS

Each of these required outputs are discussed in a table in the public participation manual.

Exhibit 400-1 summarizes the public participation outputs for permits, permit modifications, transportable treatment units, standardized permits, emergency permits, variances, temporary authorizations, corrective action RFIs, corrective measure studies, closures, and for CEQA negative declarations and environmental impact reports.

APPLICABLE REGULATIONS AND STATUTES

State Laws and Regulations:

Title 22, Cal. Code of Regs.

Sections

66270.1(c)(6)(A) Public notice is required for closures where the owner/operator is seeking an equivalency determination that closure under Chapter 15 (Interim Status Standards) was equivalent to the closure-by-removal or decontamination requirements of

Chapter 14 (Permitted Facility Standards).

Sections	
66270.42	Permit Modifications at the Request of the Permittee (Class 1, 2 and 3 Modifications) Note, this section details public participation responsibilities of the permittee when requesting a Class 1, 2, or 3 modification.
66271.5	Draft Permits
66271.6	Statement of Basis
66271.7	Fact Sheet
66271.8	Administrative Record for Draft Permits
66271.9	Public Notice of Permit Actions and Public Comment Period
66271.10	Public Comments and Requests for Public Hearings
66271.11	Public Hearings
66271.12	Obligation to Raise Issues and Provide Information During the Public Comment Period
66271.13	Reopening of the Public Comment Period
66271.14	Issuance and Effective Date of Permit
66271.15	Stays of Contested Permit Conditions
66271.16	Response to Comments
66271.17	Administrative Record for Final Permit
66271.16	Appeal of Permits Decisions
66271.19	Computation of Time

Federal Laws and Regulations:

Other Laws and Regulations:

POLICIES

DTSC Policies:

DTSC Public Participation Policy & Procedures Manual (EO-94-002-pp), dated, July 1994. This manual serves at the DTSC primary guidance for public participation activities. It provides required and recommended activities as well as good instruction on how to complete the various steps in the public participation process.

DTSC Policy OPP # 87-5 establishes procedures that govern the placement of public notices in newspaper media (Appendix 15.0-8).

Memorandum dated October 16, 1992 from Marcia Murphy to Unit Chiefs and Above transmitting the thirteenth revision of the mandatory mailing list to all programs. A copy of this memorandum accompanies this chapter as Appendix 15.0-7.

PROFS note dated 08/13/92 from Jim Pappas to MSHEPARD clarifies that the entire list of Administrative Record items listed in DTSC Permit Program Guidance Document No. 92-2 (Appendix 19.0-1) need not be sent to the repository for the public notice period. Only the Public Notice, Mailing List, complete Part A and Part B, Draft Permit, and listing of Administrative Record documents need to be sent to the repository. The Public Notice must give the location of the formal Administrative Record for the Draft Permit, which should always be the DTSC regional office issuing the public notice.

EPA Policies: U.S. EPA, RCRA Public Involvement Manual, September 1993.

Other Policies:

INSTRUCTIONS TO APPLICANTS

Handouts to be Given to Applicants:

Examples to be Given to Applicants:

CEQA CONSIDERATIONS

DTSC is required to conduct an Initial Study to determine if a project may have a significant effect on the environment and whether an Environmental Impact Report (EIR) or Negative Declaration (Neg Dec) should be prepared for a project. The determination of whether a project may have a significant effect on the environment calls for careful judgement on the part of DTSC to the extent possible based on scientific and factual data. Much of this information may be readily available to DTSC in the form of a completed facility application, CEQA environmental information form, geological reports, and other information necessary for DTSC to conduct an environmental assessment of a project.

In addition to this information, DTSC may also obtain information from other affected agencies having jurisdiction over the project and members of the public through direct consultation at meetings.

Public Consultation -

In determining whether an effect will be adverse or beneficial, DTSC must consider the views held by members of the public in all areas affected by the project. [State CEQA Guidelines, Section 15063 (g)]. *It is the policy of DTSC that views of the public be obtained and considered during circulation of the draft EIR or Neg Dec.*

In addition, prior to completing a draft EIR, DTSC may consult directly with any person or organization it believes will be concerned with the environmental effects of the project. [State CEQA Guidelines, Section 15083]. DTSC refers to such meetings as "scoping meetings". *It is the policy of DTSC that such "scoping meetings" will be open to the public.*

Public Agency and Applicant Consultation -

As soon as DTSC has determined that an Initial Study will be prepared for a project, DTSC must consult informally with all Responsible Agencies and Trustee Agencies responsible for resources affected by the project to obtain the recommendations of those agencies as to whether an EIR or Negative Declaration should be prepared. [Section 15063(g); State CEQA Guidelines]. *It is the policy of DTSC that any consultative meetings with such agencies will be limited in attendance to public agency representatives. Such meetings will not be open to the public.*

DTSC, a Responsible Agency, Trustee Agency or a project applicant may request one or more meetings between representatives of the agencies involved to assist DTSC in determining the scope and content of the environmental information which the Responsible Agency may require. [Section 15082; State CEQA Guidelines]. *It is the policy of DTSC that such meetings will be limited in attendance to the project applicant if the meeting was requested by the applicant, or to public agency representatives, if the meeting was requested by a public agency. In either case, DTSC may choose to include the consultant who is directly involved in the preparation of the draft and final EIR. Such meetings will not be open to the public.*

Where applicable, DTSC may choose to consult with an applicant during or immediately after

preparation of the Initial Study, to determine if the applicant is willing to modify the project to reduce or avoid the significant effects identified in the Initial Study. [Section 15063 (g); State CEQA Guidelines].
It is the policy of DTSC that such meetings will be limited in attendance to the project applicant. DTSC may choose to include the consultant who is directly involved in the preparation of the draft and final EIR. Such meetings will not be open to the public.

LEGAL CONSIDERATIONS

INTERAGENCY AGREEMENTS & MOUs

COORDINATION WITH OTHERS

Other DTSC Units:

Environmental/Legislative/Industry Groups:

Other Agencies:

Special Requests:

STEP-BY-STEP PROCEDURES

Flow Charts:

Checklists:

TECHNICAL REFERENCES

EXAMPLES OF COMPLETED WORK PRODUCTS

TIMELINE AND PLANNING

Permit Processing Chart:

Workload Standards:

Statutory & Other Deadlines:

WP File Name: 4/CH1500_P.MAN

List of Examples:

List of Appendices:

- 15.0-1 April 23, 1992 Memo from Marcia Murphy establishing new procedures forms for newspaper advertisements.
- 15.0-2 Example radio announcement.
- 15.0-3 Example service authorization.
- 15.0-4 Example contract information sheet.
- 15.0-5 Example certification of radio broadcast.
- 15.0-6 Example radio broadcast billing invoice.
- 15.0-7 Mandatory mailing list.
- 15.0-8 DTSC policy OPP #87-5, Public Notice Requirements.

List of References: